

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVID DATE, JR. and ELLIOT
HANDLER, Individually and On Behalf of All
Others Similarly Situated,

Plaintiffs,

Case No. 07-CV-15474

vs.

Honorable Paul D. Borman
Magistrate Judge R. Steven Whalen

SONY ELECTRONICS, INC. and ABC
APPLIANCE, INC. d/b/a ABC
WAREHOUSE,

Defendants.

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PLAINTIFFS' AGREED MOTION TO MODIFY THE SCHEDULING ORDER

Plaintiffs, by and through their attorneys, hereby move to extend the June 20, 2011 fact-discovery cut-off date and amend the March 15, 2011 Scheduling Order, stating as follows:

1. On March 15, 2010, this Court granted Plaintiffs' Motion to Modify the Scheduling Order.

2. After receipt of Defendants' discovery supplement on March 22, 2011, Plaintiffs re-issued the 30(b)(6) notices to each Defendant, scheduling ABC's deposition for April 26, 2011 and Sony's deposition for May 3, 2011.

3. However, during the week of April 4, 2011, Lance A. Raphael had a personal, medical issue arise unexpectedly, for which he was hospitalized.

4. As a result, on April 13, 2011, Lance Raphael advised Defendants that he required surgery, that he had a meeting with his surgeon set for April 25, 2011 (the earliest available date), to, among other things, schedule his surgery for May 2011. Assuming no unforeseen complications, Mr. Raphael will be in recovery for 2-4 weeks following the operation.

5. Given Plaintiffs' lead counsel's surgery, Plaintiffs respectfully request that the fact discovery cut-off date be extended by 60 days, and that all subsequent dates in the scheduling order be modified accordingly.

6. On April 13, 2011, pursuant to Local Rule 7.1(a), given lead counsel's impending surgery, Plaintiffs requested that the depositions be postponed until June, and that the parties jointly ask the court for a modification to the scheduling order. Defendants' counsel agreed to this request on April 18, 2011. After a conference, on May 6, 2011, the parties agreed to the attached proposed extension and modification of the scheduling order.

Based on the foregoing, Plaintiffs respectfully request that the Court extend the fact discovery cut-off date by 60 days, up and until August 19, 2011 and enter the proposed modified

scheduling order, a copy of which is submitted with this motion.

Dated: May 12, 2011

Atlanta, Georgia

Respectfully Submitted,

By: /s/ Darren T. Kaplan
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Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I certify that on May 12, 2011, I electronically filed the foregoing *Plaintiffs' Agreed Motion to Modify the Scheduling Order* with the Clerk of Court using the ECF system that will send notification of such filing to all attorneys of record.

Respectfully Submitted,

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